

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROGER JIUNNMING WOO,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-1105
)	Judge Schwab
JEFFREY BEARD, <i>et al.</i> ,)	Magistrate Judge Caiazza
)	
Respondents.)	

ORDER

AND NOW, this 6th day of September, 2005;

IT IS HEREBY ORDERED that the United States Marshal shall make service of this order, together with a copy of the petition, upon the Respondents Jeffery Beard, the District Attorney of Westmoreland County and the Attorney General of the Commonwealth of Pennsylvania. Costs shall be advanced by the United States of America.

IT IS FURTHER ORDERED that within twenty (20) days of service of this order, the Respondents shall file an Answer to the allegations of the Petition for Writ of Habeas Corpus. They shall address both the merits of the petition and the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and (c). Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976). The answer shall comply with the requirements of

Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. The District Attorney shall furnish this court with the state court records, including all relevant transcripts, all briefs filed by petitioner, and all written opinions of the court.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

cc:
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